

Sentencing Advisory Committee

Recognising the need for additional sentencing options, the Chief Justice in 1999 set up a sentencing advisory committee. The diverse membership includes persons representing all the disciplines and agencies involved in the administration of criminal justice, as well as the private sector and the clergy. The committee's first recommendation concerned the provision of a structure for Community Service Orders. Prepared with the assistance of the Social Services Department, the suggested structure has been submitted to Government for action. Judges and magistrates will be able to make such orders with the assurance that a system for supervision is in place. This is expected to be an important additional sentencing option, of invaluable assistance to the community as an alternative to prison.

A range of other options, which has already been researched and identified, is slated to become the subject of future reports. It is expected that they will be followed by recommendations for enabling legislative changes.

Cayman Islands Law Reports

Reports on the decisions of the Cayman Islands Courts have become indispensable to members of the legal profession and to professionals of the financial sectors, locally and abroad. The Cayman Islands Law Reports ensure the ready availability of a source of information on court decisions.

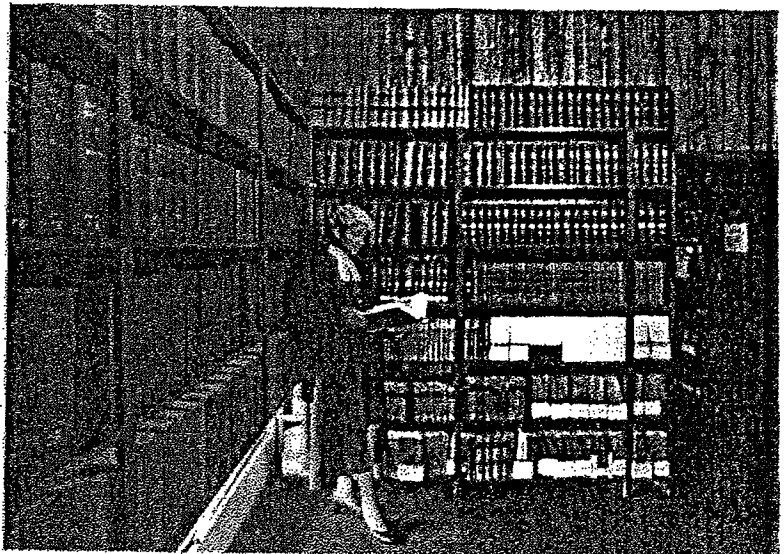
Under contract with the Cayman judiciary, Law Reports International of Oxford, England, publishes these decisions in paperback (semi-annually) and in annual hard-bound volumes. Publication of these reports confirms that the Cayman Islands has the necessary legal structure and expertise to support and regulate the offshore banking and financial industries. Decisions of the Cayman Islands Courts have been quoted in a variety of jurisdictions, including in England's House of Lords and in Australia.

Library

The Courts' Law Library, which provides a reference service to the profession, continues to expand and has now outgrown available space. The availability of new technology is enabling the court to cope with these restrictions. Several CD-ROM versions of textbooks and reports have been purchased. At present, use of this resource is restricted to members of the judiciary. However there are plans to install compatible computers in the library, thereby expanding access to this material to the profession and others who may wish to have reference to them.

With the imminent appointment within the Courts staff of a law librarian responsible for the three law libraries (including the Law Schools and the Government Legal Department's) a central database of all holdings will be created.

There is an ongoing programme for updating and replacing standard subscriptions and for acquiring pertinent new material.



The Courts' Law Library outgrows available space

Information Technology and Security

Resources were primarily directed towards updating computer equipment and software in 1999. While Y2K preparations caused a number of other plans to be deferred, Y2K transitions were failure-free.

CASE MANAGEMENT SYSTEM

At the beginning of the year, a case management system (Judicial Enforcement Management System) was purchased. In use in America and the Caribbean, this system tracks cases from initial receipt to final disposal and produces orders and management information. It went live during November 1999 with criminal cases in addition to certain traffic matters. Case details are found either by keying in a case number or a name, and information is networked within the courts office and judicial chambers. The civil side will also shortly be on line.

COURT REPORTERS

A new software package was purchased for court reporters, ensuring competent handling of the latest developments in the recording and transcribing of court proceedings. The present complement of reporters work under severe pressure, and there are plans to further streamline the service and to increase the number of reporters. Two new posts have been approved for Year 2000.

SECURITY

With the activation of an electronic system, security was reinforced during 1999. This new system utilize card or punch-code operated controls to secure certain specified areas of the building, and, on the advice of the Royal Cayman Islands Police, other security systems have been installed. These include a metal detector at the main entrance and security cameras both inside and outside the building.



Marshalls and bailiffs serving the Courts

Proposals for the Future

ACCOMMODATION

The most pressing need is for improved and expanded accommodation to house courts and administrative staff. The present Courthouse was constructed in 1973 when there was only one judge and one magistrate. Subsequent years have seen adaptations, but facilities are now clearly inadequate for present needs, forcing the lease of additional buildings to obtain relief. In 1999, the Public Works Department worked with the Court Administrator to consider options and draw up plans for a new building.

Capital development costs are such that it is unlikely construction will start for another three years. A sinking fund has been agreed with the Government and the Finance Committee of the Legislative Assembly to ensure the availability of the funds at that time.

Present indications suggest the need to split the siting of the Grand Court away from the subordinate courts.

In the interim, a working party under the direction of the Chief Justice has been formed to complete the planning process and to consult with interested organisations.

"There is an urgent need to provide improved and extended accommodations for the judges, magistrates and court staff."

*Charles Quin
President Cayman Islands
Law Society*

THE CHILDREN LAW

Passed in 1995 and intended to protect the welfare of children, particularly those in need, the Children Law is yet to be implemented. While it is hoped to bring the law into force in 2000, further amendments are planned. In particular it is felt that the Summary, rather than the Grand Court, should be the designated court of first instance for these matters.

SMALL CLAIMS

A draft bill describing a small claims court was considered last year. It contained innovative provisions, including the reference of small claims disputes to arbitration, but was deemed too complex in other respects. Alternative proposals are being developed with a view to introducing a draft bill later in 2000. An important understanding already reached confirms that the Summary Court jurisdiction should be raised above the current level of \$2,000 to \$25,000.

COST RULES

The Rules Committee has prepared a draft of new cost rules for final comment by the profession. These rules will apply to both the Court of Appeal and the Grand Court. Disputes as to costs will be the primary responsibility of the Civil Registry, with the Senior Deputy Clerk of the Court designated as the Taxing Officer.

A judge of the Grand Court will hear appeals from the Taxing Officer's decisions.

CASE MANAGEMENT

Lord Woolf, the Master of the Rolls in England and Wales, introduced the concept of case management, with close reference to the report, *Access to Justice*. The Grand Court Rules Committee has considered the resulting reforms. While it is thought not yet appropriate to introduce the Woolf reforms wholesale, it is clear that modern rules for judicial case management are now required. The Rules Committee will consider draft proposals already prepared for implementation in early 2000.